

Index File

Application No. UP-673-05

Paradise Tattoo

Application No. UP-673-05 is a request for a Special Use Permit to authorize the establishment of a tattoo parlor within an existing retail Center (Palace Plaza Shops) located at 113 Palace Lane.

The staff is recommending approval.

Attachments:

1. Staff Report
2. Zoning Map
3. Retail Center Site Plan
4. Applicant's Floor Plan Sketch
5. Applicant's Justification Statement
6. Proposed Resolution No. PC05-30(R1)

COUNTY OF YORK

MEMORANDUM

DATE: July 6, 2005 (PC Mtg. 7/13/05)

TO: York County Planning Commission

FROM: Amy M. Parker, Senior Planner

SUBJECT: Application No. UP-673-05, Paradise Tattoo

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 7) of the York County Zoning Ordinance to authorize the establishment of a tattoo parlor within an existing retail center (Palace Plaza Shops) located at 113 Palace Lane and further identified as Assessor's Parcel No. 9-14. The property is located on the east side of Palace Lane (Route 690), approximately 600 feet north of its intersection with Bypass Road (Route 60).

DESCRIPTION

- Property Owner: Palace Plaza LLC, Homer H. and Sally A. Radcliffe (Applicant is property owner's lessee)
- Location: 113 Palace Lane (Route 690)
- Area: Parcel acreage: 2.2 acres
- Frontage: Approximately 290 feet on Palace Lane
- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
- Existing Development: 22,200-square foot retail center
- Surrounding Development:
 - East: Nonconforming residential dwelling
 - South: Nonconforming residential dwelling, vacant lots, restaurant, retail shop
 - West: Nonconforming residential dwellings, church, school and hotel across Palace Lane
 - North: Nonconforming residential dwelling
- Proposed Development: 5,415-square foot tattoo parlor

CONSIDERATIONS/CONCLUSIONS

1. The proposed tattoo parlor would be located within the central portion of an existing retail center (Palace Plaza Shops). The center currently contains a mix of retail and service uses, including a Harley Davidson dealer and two hair salons. The facility would include a waiting area, tattoo area, office, bathroom, and storage area.
2. Uses bordering the retail center site include nonconforming residential dwellings, a hotel, church, restaurant, and retail shop. Surrounding zoning is GB - General Business and LB - Limited Business. The Greensprings residential subdivision is located just north of the subject property at the end of Palace Lane. The applicant would occupy two centrally located adjacent units in the existing retail center. Adequate parking, utility facilities and lighting exist to service the proposed use. Zoning Ordinance parking standards for a retail center this size require a minimum of 89 spaces (one space per 250 square feet of floor area), and 108 spaces are provided.
3. While there is a school (Providence Classical School) in the vicinity of the shopping center, the front of the center cannot be viewed from any part of the school property. Staff is recommending an approval condition that signage for the tattoo parlor be limited to the building façade, and no advertisement for the parlor be permitted on the center's freestanding sign located at the Palace Lane entrance.

RECOMMENDATION

As the Commission will recall, the applicant previously requested a use permit to establish a tattoo parlor in a more visible location along Merrimac Trail. The Commission unanimously recommended denial of that request at its May 11, 2005 meeting, citing concerns about its visibility from Magruder Elementary School across Merrimac Trail. The applicant withdrew the application in order to locate a more appropriate site. The current application is the result of that search.

The proposed tattoo parlor would not be visible from the nearby school property or abutting nonconforming residential properties. Additionally, as the retail center is not located on a busy thoroughfare or visible from Bypass Road, the proposed use would not be expected attract a great deal of attention. The proposed use would be compatible with the existing retail and service uses in the shopping center. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC05-30.

Attachments

- Zoning Map
- Retail Center Site Plan
- Applicant's Floor Plan Sketch
- Applicant's Justification Statement
- Proposed Resolution No. PC05-30

AMP

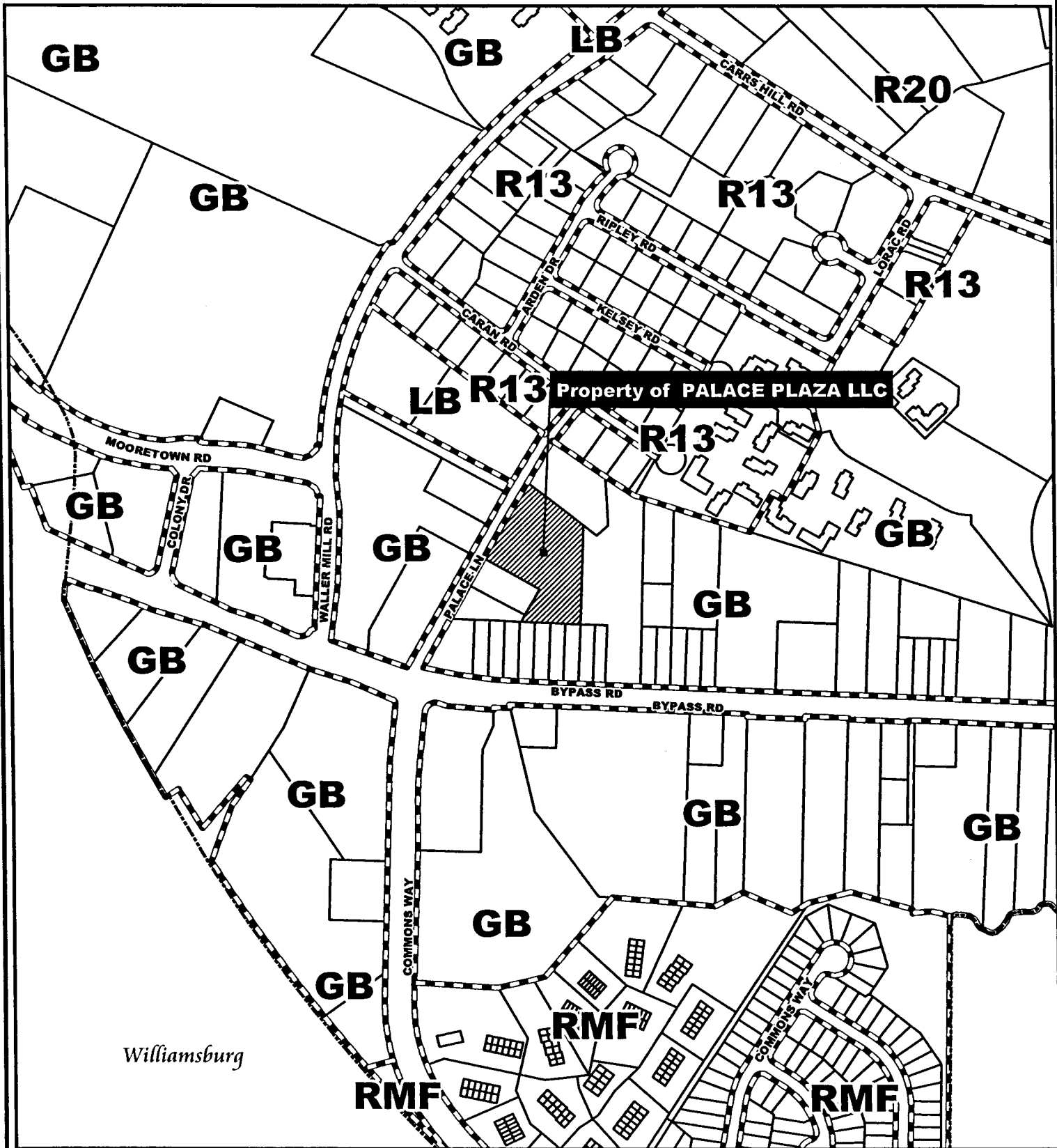
APPLICANT

Paradise Tattoo

To authorize the establishment of a 5,415 sf tattoo parlor
within an existing retail center
113 PALACE LN

ZONING MAP

APPLICATION NUMBER: UP-673-05



* = Conditional Zoning

0 225 450 900 Feet

Printed on June 14, 2005



LIBRARY TILE NUMBER:

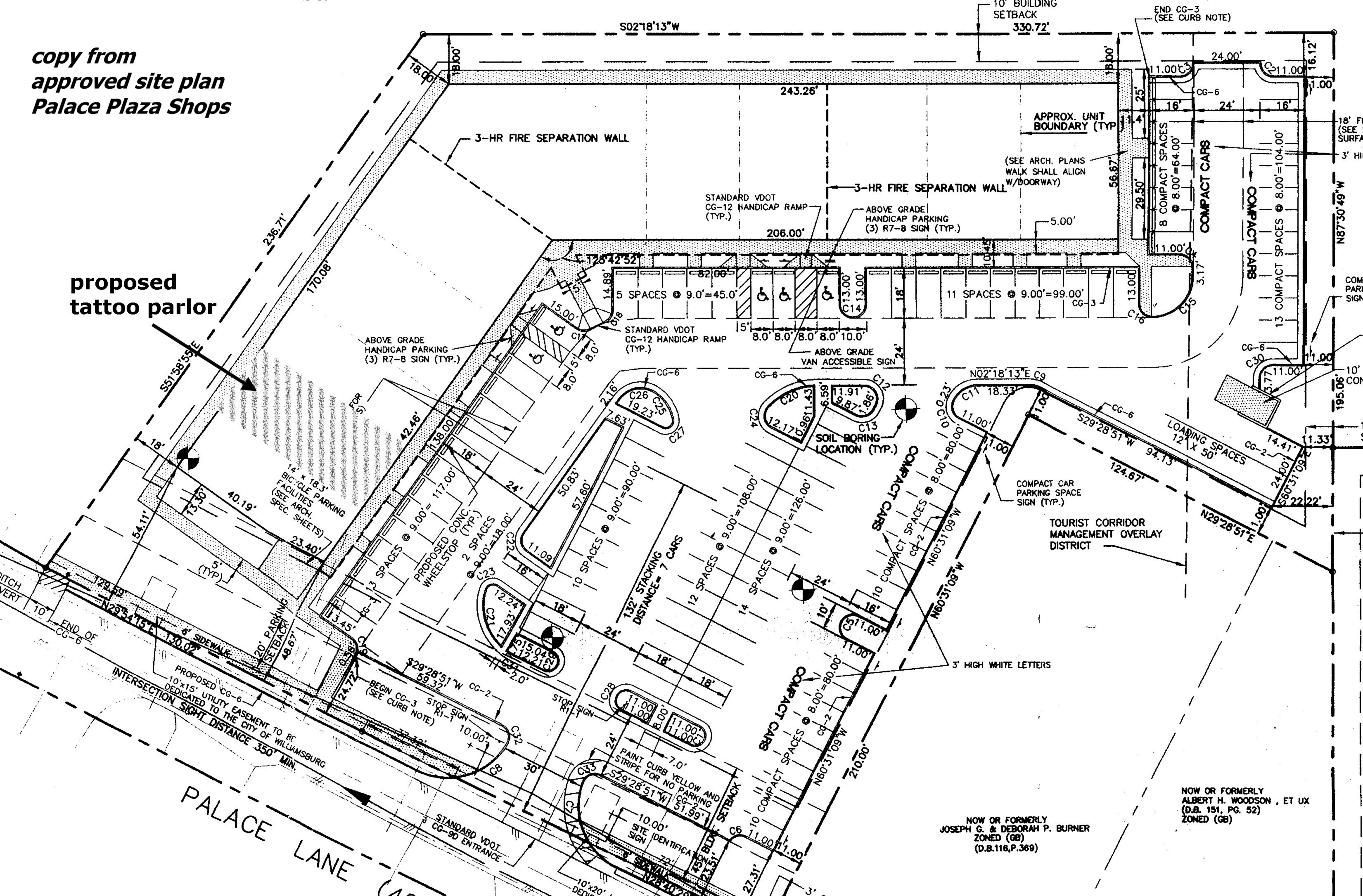
Lr003

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

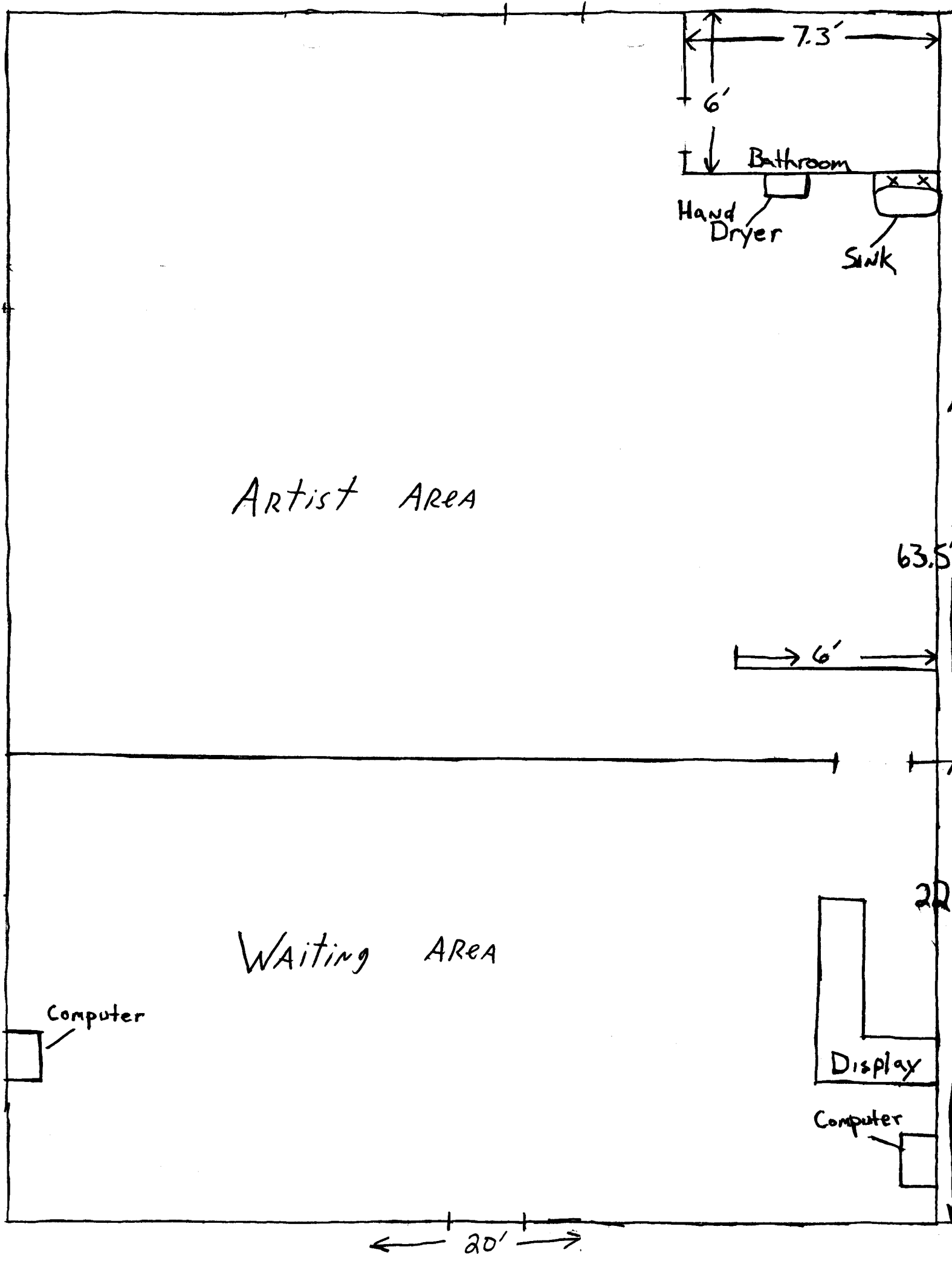
copy from
approved site plan
Palace Plaza Shops

proposed
tattoo parlor



NOW OR FORMERLY
JOSEPH G. & DEBORAH P. BURNER
ZONED (GB)
(D.B.116,P.369)

NOW OR FORMERLY
ALBERT H. WOODSON, ET UX
(D.B. 151, PG. 52)
ZONED (GB)



May 25, 2005

York County Planning Division /Planning Commission
120 Alexander Hamilton Blvd.
Yorktown, Virginia 23690

To Whom It May Concern:

This application is a request for approval of a special use permit to authorize the establishment of a tattoo parlor within an existing shopping center location. We would like to establish this business at address 113P Palace lane under the name Paradise Tattoo. This property is zoned (GB) General Business and is currently available for lease by the property owner. The surrounding developments within the shopping center are Harley Davidson store, Pints & Pub (currently not open) Laundromat and cleaning services, Hair salon and Nail salon, Liberty worship center, and a hearing center. The location we wish to establish is vacant and waiting permit approval. Submitted with this application is a rendition of the proposed layout of the property. This establishment will use public water and sewer.

We have been in contact with the Department of Health and the DPOR and have received all the latest standards for tattoo parlors, which was updated recently for the new legislation that will go into affect within the next few months. Our technicians are already certified for the new guidelines and have many years of experience in the business. Our business hours of operation will be the same as the other parlors in York County, opening at 12:00 noon and closing at 10:00pm Monday-Sunday. We would require a standard backlit sign on the building meeting all zoning and sign requirements. Currently there is 120 parking spaces available the location including handicap spaces. The parking lot is well lit and should meet current guidelines.

We are willing to work with all neighbors and patrons with concerns that may arise. We wish to become a solid business in York County and participate in any business matters that may arise now or in the future. For the purpose of patrons and neighbors, our site plan is to have no visibility from the storefront or window of any patron receiving a tattoo. Currently there are two parlors in York County that have been in business for many years and we wish to build a long lasting relationship with the community as well.

In conclusion, operating a safe, clean and fun environment is our goal while bringing revenue from other localities to York County. We would like to thank the commission and board for reviewing our application and we look forward to working with you throughout this process and with future endeavors.

Thank you,

Todd M. Houle, Paradise Tattoo

Scott G. Mitchell, Paradise Tattoo

RECEIVED

MAY 27 2005

**PLANNING DIVISION
COUNTY OF YORK**

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of _____, 2005:

Present

Vote

Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
Alfred E. Ptasznik, Jr.
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE A TATTOO PARLOR AT 113
PALACE LANE

WHEREAS, Paradise Tattoo has submitted Application No. UP-673-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 7) of the York County Zoning Ordinance to authorize a ~~5,414~~1,247-square foot tattoo parlor within the existing retail center located at 113 Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-14; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2005 the Application No. UP-673-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a ~~5,414~~1,247-square foot tattoo parlor in the existing retail center located at 113 Palace Lane Trail (Route 630) and further

identified as Assessor's Parcel No. 9-14 (GPIN No. D15a-2344-2638); subject to the following conditions:

1. This use permit shall authorize the establishment of a 5,414,247-square foot tattoo parlor located in the existing retail center at 113 Palace Lane (Route 630) and further identified as Assessor's Parcel No. 9-14.
2. The subject facility shall be established in substantial conformance with the floor plan submitted by the applicant and received by the Planning Division on May 27, 2005.
3. In order to provide opaque screening from view outside of the parlor, front windows shall be treated with tinting or other window shading devices that are compatible with the architecture of the retail center building, subject to the approval of the Zoning Administrator.
4. Signage for the proposed use shall be limited to building façade signage installed in accordance with all applicable requirements of the Zoning Ordinance. Advertising for the proposed use shall not be permitted on any existing or future proposed freestanding signage for the retail center.
5. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.